IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Public Interest Litigation No.115 of 2005

Maharashtra Law Graduate Association ..Petitioner.

vs

The State of Maharashtra & Ors. ..Respondents

Mr Pradhan with Ms Jaya Nair for the petitioner.

Mr. P.M.Patil AGP for respondent Nos 1 to 3.

Mr Anand Grover with Ms Veena Johari and Mr. Prakash Mahadik for respondent no. 4.

CORAM: H.S. BEDI, C.J. ,&
V.M.KANADE, J.

DATE: Novemebr 15, 2006.

P.C.:-

The petitioner has raised vital issues by this petition in public interest. Prayer clauses contain three parts i.e. (a), (b) and ©, which are reproduced below:

a) that this Hon`ble Court will be pleased to issue writ of mandamus or writ in the nature of mandamus or any other appropriate writ, direction or orders under article 226 of the Constitution of India directing the respondents, servants and officers to bring “Pre-

Marriage AIDS Test" is compulsory / mandatory before marriage takes place

or

b) That this Hon`ble court will be pleased to issue any direction to the respondents or the concerned authority that the Pre-Marriage AIDS Test" should be made mandatory/ compulsory in the State of Maharashtra before marriage.

Or/and

c) That this Hon`ble court will be pleased to appoint any high level committee to study the matter and to implement the "Pre-Marriage AIDS Test" in the State of Maharashtra, wherein Retd High Court Judges, Retd. Police Commissioners or any other appropriate person and submit the report to this Hon`ble Court to enable to this Hon`ble court to issue appropriate directions".

We find that there cannot be any quarrel with the proposition raised by the petitioner and that these matters require very deep consideration, but the question is as to in which forum. We are of the opinion that this court can hardly claim to have the expertise to deal with the complex issues that arise. We are informed by the learned counsel for the

respondents and the intervenors, on the basis of the affidavits that have been filed, that the Central and State Governments are seriously concerned with the matter and that an attempt has been made to cull out a policy which may be suitable for Indian conditions. We are further of the opinion that the suggestion made by the petitioner can also be taken into account by those who are responsible for taking decisions on the question posed and we issue directions in the above terms. No further orders are necessary.

Petition is disposed of accordingly.

CHIEF JUSTICE

V.M.KANADE, J.